

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

**BRIAN TACKETT and
JAMES WELCH**

PLAINTIFFS

VS.

NO. 2:09-CV-081-P-S

**DAVID EVANS, in his individual and official capacity,
TOM ROSS, in his individual and official capacity
PAUL PEARSON, in his individual and official capacity
CHRIS OVERTON, in his individual and official capacity
TIMOTHY BURREL, in his individual and official capacity
JOHNNY NEWSOM, in his individual and official capacity
ROGER WEINER, in his individual and official capacity
HUGH JACK STUBBS, in his individual and official capacity
COAHOMA COUNTY, MISSISSIPPI,
CORP OF ENGINEERS**

DEFENDANTS

ORDER

BEFORE THE COURT is the Defendants' Motion to Strike Amended Complaint (#31). Pursuant to the Rule 15(a)(2) of the Federal Rules of Civil Procedure, a party may amend its pleading once as a matter of course *before being served with a responsive pleading*. In all other cases, a party may only amend the complaint by written consent of the opposing party or leave of court. Fed. R. Civ. P. Rule 15(a)(2). Plaintiffs have neither made a motion with the court nor received consent from party opposite.

IT IS, THEREFORE, ORDERED that the Defendants' Motion to Strike Amended Complaint (#31) is hereby GRANTED.

SO ORDERED, this the 30th day of October 2009.

/s/ David A. Sanders
UNITED STATES MAGISTRATE JUDGE